Prince Edward Island Human Rights Commission

Nurturing Our Differences

Annual Report 2013-2014

Human Rights Commissioners

Standing: Alcide Bernard, Robert Acorn, George Lyle
Seated: Maurice Rio, Anne Nicholson, John Rogers

Human Rights Commission Staff

From left: Lorraine Buell, Thomas Hilton,
Brenda Picard, Wendy Baker

Cover Photos by Wendy Marie Baker
Hands: Charley Grace Brehaut, Age 4
Raymond Buell, Age 96

Commission and Staff photos by Brian Simpson

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Prince Edward Island
Human Rights Commission

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Commission des Droits
de la Personne
de l'Île-du-Prince-Édouard

53, rue Water, C.P. 2000
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Anne Nicholson
Commission Chair

September 23, 2014

The Honourable Janice Sherry, Attorney General
Province of Prince Edward Island
PO Box 2000
Charlottetown PE C1A 7N8

Dear Minister Sherry:

Re: Prince Edward Island Human Rights Commission Annual Report – Fiscal 2013-2014

On behalf of the staff and Commissioners of the Prince Edward Island Human Rights Commission, I am pleased to provide to you the Commission's Annual Report for the fiscal year 2013-2014.

We submit this report to you for presentation to the Legislative Assembly in accordance with section 22.1 of the Prince Edward Island *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12 .

Should you or your staff have any questions or require any further information, please do not hesitate to contact me.

Sincerely,

Anne Nicholson
Chair

Message from the Chair

Human Rights Chair Anne Nicholson and Education Project Officer Tom Hilton Address crowds at Pride Parade Celebrations 2013

It is an ongoing challenge to make sure we are protecting the rights of those in our community who are disadvantaged by a characteristic, belief or membership in a group. Issues that might never have occurred to the most rights-conscious individuals can suddenly become a central concern to Islanders.

The rights of the LGBT community have been protected under the *Human Rights Act* for decades but just last year our *Act* was amended to offer clearer protection to people whose gender identity or gender expression falls outside stereotypical gender norms.

Recently, at the annual conference of the Canadian Association of Statutory Human Rights Agencies, one of the issues examined was that of competing human rights. In a diverse society like Canada, the protection of human rights can become complicated. At times a claim to a right by one individual or group can have a direct effect on another. Presenters at the conference discussed the need to find solutions and resolutions which do not result in choosing one right to the exclusion of another. By holding the values of flexibility and accommodation as primary to all activities, the focus is taken away from individuals with specific needs. Instead the focus should be on creating a culture of inclusion. Human rights are designed to assist the minority and it is important to remember that any one of us has the potential to become part of a minority.

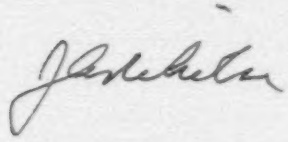
In December of 2013 we received funding from the Law Foundation of PEI for the first year of our proposed three year project *"The 4Rs"*. Since 2011, the Law Foundation has partnered with us on a number of short-term projects to develop and pilot human rights resources for PEI schools. Tom Hilton who has worked with the Commission on these short-term education projects, is now the Commission's Education Project Officer. As part of this project, we hosted two UPEI Department of Education Practicum students, Aleah Palmer and Bethany Ellis. We look forward to new resources being developed in partnership with the Department of Education and Early Childhood Development, UPEI, PEI Teachers Federation, the English Language School Board and the Law Foundation of Prince Edward Island. This project is a huge asset in addressing the education component of our mandate.

Commissioners and staff continue to respond to requests from the community for educational presentations and we are proud to be making great strides in reaching our schools and educators.

Commissioners during 2013-2014 were John Rogers, George Lyle, Alcide Bernard, Maurice Rio and Robert (Bob) Acorn, Lou Ann Thomson (retired), and me. It is a pleasure to chair this group, and I appreciate their unique perspectives on the many issues we address at the Commission.

This spring two new Commissioners were appointed to begin terms in the 2014-15 fiscal year. The Honourable Ellen Macdonald is a retired Ontario Superior Court Judge who is from Souris and has returned to PEI. We welcome her wealth of experience and sound judgment. Carmen de Pontbriand is originally from Montreal and has lived on PEI for nine years and served on the Veterans Review and Appeal Board. She brings experience in administrative tribunals, communication, journalism and human resources management. I am very pleased to welcome our new Commissioners.

The staff of the Commission this year includes: Brenda Picard Q.C., Executive Director; Wendy Baker, Human Rights Officer; Lorraine Buell, Mediator / Intake Officer; and Tom Hilton, Education Project Officer. I am very grateful for their excellent work and positive and supportive outlook. Together we are prepared to meet the challenges that come with this important work.



Anne Nicholson,
Commission Chair

Message from the Executive Director

It was with great pleasure that I accepted the position of Executive Director of the PEI Human Rights Commission in August of 2013. I appreciate the support of the staff, Lorraine Buell, Wendy Baker and Tom Hilton and the Commissioners, as we explore ways we can further our work toward achieving equality, respect and dignity for all Island residents and visitors.

Chair Anne Nicholson, Minister Janice Sherry and Executive Director Brenda Picard at Human Rights Day, December 10, 2013. Background artwork created by Grade 5 students at Prince Street Elementary School Charlottetown PEI.

The Commission held its first open house on Human Rights Day, December 10, 2013. Amid the background of original artwork from students across the Island and set to the theme 'Speak Up, Stop Discrimination', the event opened with moving remarks from the Minister of Environment, Labour and Justice, Janice Sherry, and the Minister of Education, Alan McIsaac, and ended with original dramatic and musical performances by Colonel Gray High School students. The event proved such a smash success for the Commission and the approximately 100 attendees that we anticipate hosting our second open house on December 10, 2014. I wish to thank our Education Project Officer, Tom Hilton, the students, teachers and Curriculum Specialist Vicki Allen-Cook for helping make the event so memorable.

Education and awareness are key goals for the Commission and it is a pleasure to work collaboratively with the Department of Education and Early Childhood Development, PEI Teachers Federation, UPEI Faculty of Education and English Language School Board on *The 4Rs* project. A tremendous thank you goes out to the Law Foundation of PEI for recognizing the importance of this work with their generous financial support. It is essential to continue to build on these relationships in order to foster the education of our youth and our educators as they strive to nurture the differences which exist in our increasingly diverse communities.

This has been a busy year for Human Rights court cases. The Supreme Court released eight decisions (2 oral and 6 written) and the Appeal Court released two. The Courts' direction and confirmation of our work continues to guide us in resolving and settling

disputes, investigating allegations and making necessary decisions about the complaints that come before us.

We are pleased to see parties taking advantage of our mediation and settlement opportunities and we will continue to explore ways of ensuring satisfactory resolution of our complaints. I look forward to continuing this important work with the Commission.

Brenda J Picard Q.C.
Executive Director

Photo by Wendy Marie Baker

Powers and Duties of the Commission

Since the enactment of the *Human Rights Act* on September 11, 1976, the Prince Edward Island Human Rights Commission has been empowered to:

- administer and enforce the *Act*
- develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights.
- advise government on suggestions, recommendations and requests made by private organizations and individuals.
- report as required by the Minister on the business and activities of the Commission.
- consider, investigate or administer any matter or activity referred to the Commission by the Minister or the Lieutenant Governor in Council.

The Commission staff carries out the day to day functions of the Commission including processing, mediating, investigating and settling complaints. Staff may also be involved in presenting cases or providing legal advice to Commissioners during a Panel Hearing. Lawyers at the Commission also appear before the Supreme Court and Court of Appeal.

Public education and information is conducted by the staff and Commissioners. The public is encouraged to contact the Commission or review our website (www.peihumanrights.ca) to learn more about Human Rights issues. The Commission provides education sessions to individuals, businesses and community organizations. The Commission also collaborates with educators to promote Human Rights awareness and education in schools.

When a complaint is made to the Human Rights Commission, the typical process involves written exchanges of information between the Complainant and the Respondent (the person, business or entity that is alleged to have discriminated against the Complainant). The matter is then provided to the Executive Director or a delegate (Human Rights Officer) to investigate and attempt to settle the matter.

The duties of the Executive Director (or her Delegate) are set out in section 22(3) and (4) of the *Human Rights Act*:

> *22(3) The Executive Director shall investigate and attempt to effect settlement of the complaint.*

22(4) Notwithstanding subsection (3), the Executive Director may, at any time,

(a) dismiss a complaint if the Executive Director considers that the complaint is without merit;

(b) discontinue further action on the complaint if, in the opinion of the Executive Director, the complainant has refused to accept a proposed settlement that is fair and reasonable;

(c) discontinue further action on the complaint if it could be dealt with more appropriately by an alternate method of resolution under any other Act, or if grievance or other review procedures have not been exhausted; or

(d) report to the Chairperson of the Commission that the parties are unable to settle the complaint

If the matter is sent to the Chairperson, the Chair will appoint a panel of one or three Commissioners to hold a Panel Hearing. They will hear evidence and submissions, and determine if there has been a violation of the *Human Rights Act* and, if so, what remedy should be ordered.

Commissioners are appointed for terms up to three years and are eligible for re-appointment. Commissioners may also be asked to review decisions of the Executive Director or Delegate dismissing a complaint.

Human Rights Complaints must be made within one year of an alleged incident.

The complaint must fall within one or more of the areas covered by the Prince Edward Island *Human Rights Act*:

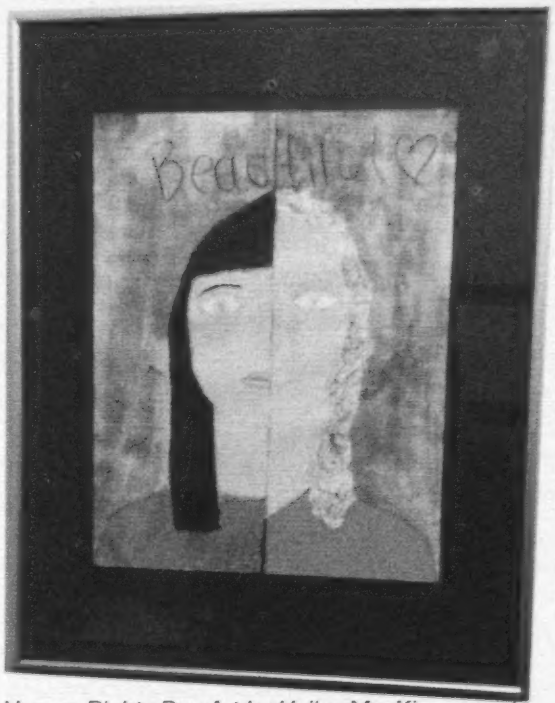
- Accommodations, Services and Facilities
- Lease or Sale of Property
- Employment/Equal Pay
- Membership in Employee or Professional Organizations
- Advertisements and Publications
- Volunteer Work

As well, the complaint must be based on one or more of the grounds covered by the Prince Edward Island *Human Rights Act*. The grounds of discrimination are:

- Age
- Colour
- Creed
- Disability
- Ethnic or National Origin
- Family Status
- Gender Expression
- Gender Identity
- Marital Status
- Political Belief
- Race
- Religion
- Sex
- Sexual Orientation
- Source of Income

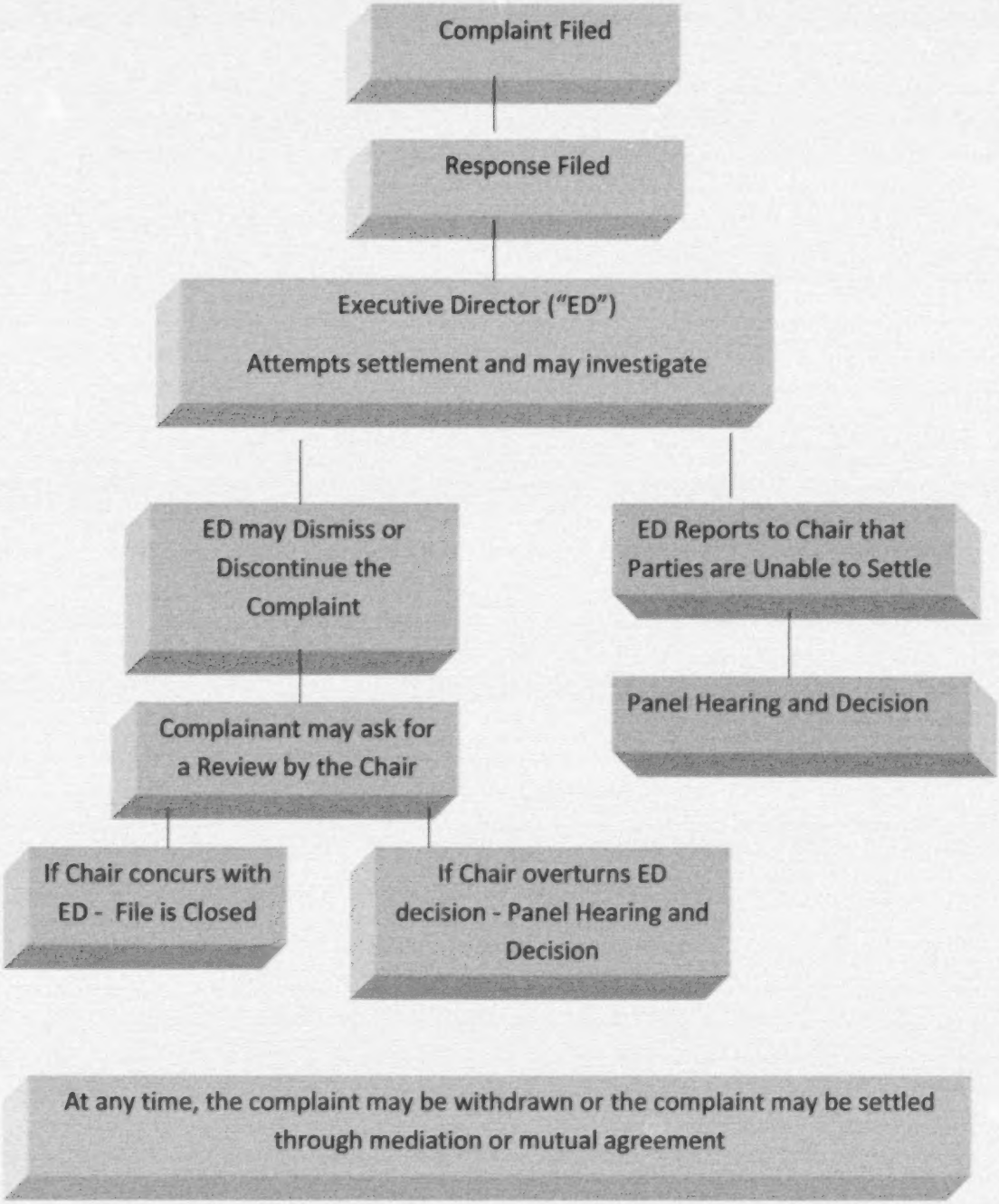
In addition to these grounds, discrimination is also prohibited in relation to:

- individuals who associate with an individual or group protected by the *Act*,
- individuals who have filed a complaint or given evidence/ assistance during an investigation or panel hearing
- individuals who have been convicted of a criminal or summary conviction offence, but only in the area of employment and only where the offence is unrelated to the employment.



Human Rights Day Art by Hailey MacKinnon and Alyssa Mugridge, Laura Cudmore's grade 7 class, S.I.S. (photo by Vicki Allen-Cook)

Typical Complaint Process


Complaint Filed
Response Filed
Executive Director ("ED")
Attempts settlement and may investigate
ED may Dismiss or Discontinue the Complaint
ED Reports to Chair that Parties are Unable to Settle
Panel Hearing and Decision
Complainant may ask for a Review by the Chair
If Chair concurs with ED - File is Closed
If Chair overturns ED decision - Panel Hearing and Decision
At any time, the complaint may be withdrawn or the complaint may be settled through mediation or mutual agreement

Complaint Statistics

One Hundred and two (102)* matters were carried over from previous years and Forty Nine (49) complaints were received in 2013-2014, which resulted in a total of One Hundred Fifty One (151) open files during this fiscal year. In addition to written complaints, the Commission received approximately 2,000 phone, email and in-person inquiries from individuals and organizations concerned about their rights.

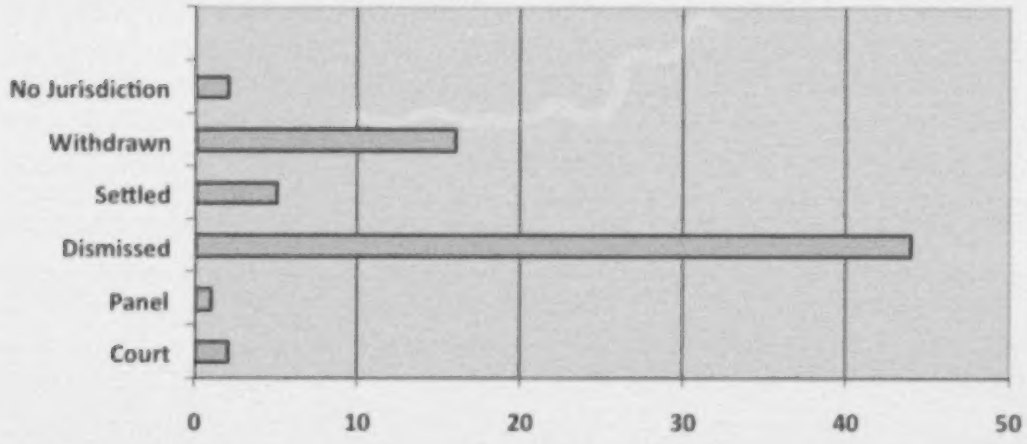
Number of Complaints in Area and Ground							
	Carried forward from previous years			Received in 2013-2014			
Ground of Discrimination	Employ-ment	Services	Other or multiple areas	Employ-ment	Services	Other or multiple areas	Total
Age	8						8
Association				1	1		2
Colour, Race, Ethnic/National Origin	5	1	2	2			10
Creed/Religion				2			2
Criminal Conviction	1						1
Family Status							
Gender Expression**							
Gender Identity**							
Marital Status							
Disability	12	7	3	15	2	3	42
Political Belief	3			1			4
Sex/Gender (including Pregnancy and Harassment)	20			1	1	1	23
Sexual Orientation	2			1			3
Source of Income	2					1	3
Filing a Complaint/Giving Evidence							
Multiple Grounds	23	9	4	10	4	3	53
Total Number of Complaints	76	17	9	33	8	8	**151**

Most complaints arise in the area of employment, while the most common ground of discrimination is disability.

Note – In previous annual reports "Unresolved Files" did not include court matters or matters awaiting expiration of review periods. In this report "Carried Forward" files include unresolved matters from last year along with 15 court cases and 5 matters which were still open to see if the Complainant was going to seek a Chair review or Judicial Review.

** Gender Expression and Gender Identity were added as specified grounds in December 2013.

Complaint Outcomes
Closed Files
April 1, 2013 - March 31, 2014



Closed Files

No Jurisdiction: Two (2) complaints were deemed outside the jurisdiction of the Prince Edward Island Human Rights Commission.

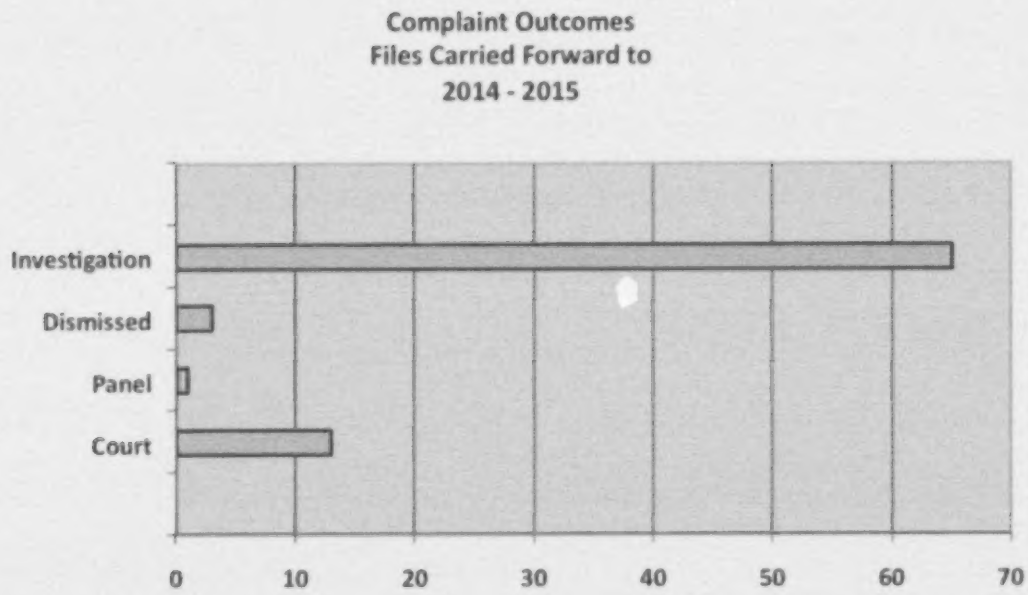
Withdrawn: Sixteen (16) complaints were withdrawn at various stages by the Complainant or were considered withdrawn as the complaint was deemed abandoned

Settled: Five (5) complaints were settled through settlement discussions or mediation.

Dismissed or Discontinued: Forty four (44) complaints were dismissed or discontinued by the Executive Director or Delegate as set out in the *Act* (section 22(4)). Fourteen (14) Complainants requested a review by the Chair and decisions were rendered.

Panel: During the 2013-2014 fiscal year, one (1) Panel hearing was held and a decision rendered (**Nilsson** v **UPEI**).

Court Matters: Decisions were rendered by the court in 2 matters for which appeal periods have now expired (**Dodds** v. **Ghiz** and **MacDonald** v. **WCB**). (See Court Decisions page 19)



Files Carried Forward to 2014-2015

Investigation/Settlement: Sixty five (65) complaints remain in various stages of the complaint process (investigation, settlement negotiations, held in abeyance...).

Dismissed or Discontinued: Five (5) complaints were dismissed or discontinued by the Executive Director or Delegate as set out in the *Act* (section 22(4)) but remain open.

Two (2) complaints were reviewed by the Chair and are pending Judicial Review or appeal (**Clow** v **LCC** and **Ayangma** v **FLSB**).

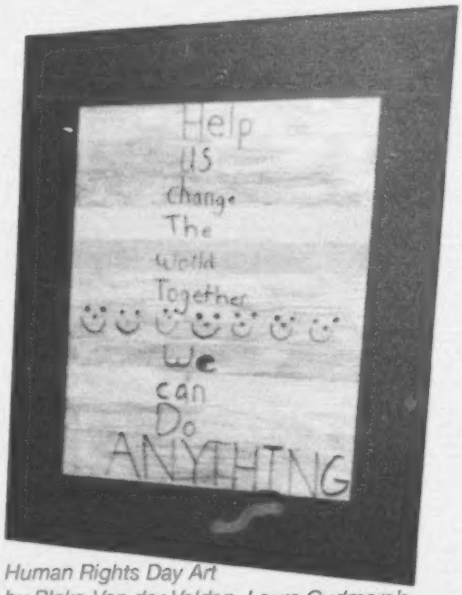
Three (3) complaints are carried over to the next fiscal year pending the expiration of the period during which the Complainant may request a review.

Panel: One (1) matter is awaiting Panel hearing (**Pate** v **Legislative Press Gallery**) pending the outcome of a Judicial Review.

Court Matters: As of March 31, 2014, in addition to the three matters noted above, there were another ten cases pending in court. (See Page 19)

Education Report

The Commission provides education sessions to individuals, businesses and schools. During 2013-2014, the Commission provided education sessions to thirty six (36) organizations. Although these education sessions generally are requested by members of the public, some sessions are a component of a settlement agreement or part of a Panel order. These education sessions inform members of the public of their rights and duties, and may include a presentation on the Commission, the *Human Rights Act* and the legislation regarding human rights in general. The Commission invites any business or organization interested in receiving our education service to contact us.



Human Rights Day Art
by Blake Van der Velden, Laura Cudmore's grade 7 class, S.I.S. (photo by Vcki Allen-Cook)

Made in PEI: Rights, Responsibilities, Relationships & Resources (The 4Rs), *made possible through the generous support of the Law Foundation of PEI.*

LAW FOUNDATION of Prince Edward Island

Research shows that one of the primary conditions essential for academic success in ALL subject areas is a safe and orderly environment. A solid understanding of each student's Human Rights is the foundation for making our school a safe and orderly place for everyone and we try to teach that to our students.

(Grade 3 Teacher, Vernon River Consolidated School, 2013)

The 4Rs received project funding approval from the Law Foundation of PEI in December 2013. In the 6 months since, approximately 300 students and over 100 educators have learned of, participated in and/or contributed to *The 4Rs*. Compared to the same 6 month period one year earlier when only 55 students and 16 educators were exposed to public education sessions on human rights, it is evident that *The 4Rs* project partners[1] are realizing the goal of collaboratively delivering Human Rights education in PEI schools and teacher training programs.

[1] *The 4Rs* project partners: Department of Education and Early Childhood Development (DEECD), English Language School Board (ELSB), UPEI Faculty of Education (FEd), PEI Teacher's Federation (PEITF) and PEI Human Rights Commission (Commission)

Two objectives of *The 4Rs* are to:

1. provide professional development opportunities which facilitate teachers gaining the confidence and skills to engage students in meaningful human rights learning, and
2. create cross-curricular learning activities which facilitate students gaining the knowledge, skills and attitudes necessary to demonstrate respect and support for fundamental human rights.

Progress on these objectives can be demonstrated through our increasing collaborations.

Consider, for instance, that in late-2013 the DEECD invited the Commission to review and endorse seven (7) new books which were then being considered for use in high schools as optional reading materials. This collaboration led to human rights presentations with all grade 11 Language Arts teachers in February 2014. Feedback from the presentations included:

> *This session was a great reminder of the power of discussion … to not shy away from controversial topics and stories, because these often provide real teachable moments. Students need to be* ***taught*** *how to discuss their thoughts and opinions without offending or disrespecting each other. There are times that this can and must happen. Maybe a bit nerve racking for teachers, but it is definitely powerful for students.*
>
> *Grade 11, Language Arts teacher*

The presentations, in turn, led to collaborating with Andrew Petrie, Colonel Gray High School, on the English 421 final project: *Human Rights – In Literature and Our Community*. A project designed to enrich understanding of the stereotypes and prejudices which sustain discrimination. The project had students:

- interview individuals[2] representing several of the *Act's* protected grounds;
- create original video representations of the interview data;
- write essays connecting the interview data to *'To Kill A Mockingbird' or 'In the Heat of the Night'*; and
- deliver class presentations to communicate the main ideas represented in their videos and essays.

This project is one example of the innovative cross-curricular approaches to learning that teachers employ to provide PEI students with the knowledge and skills they need to thrive in typical 21st century schools, communities and workplaces.

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[2] Thank you to Craig Mackie (PEI Association for Newcomers to Canada), Colleen MacQuarrie (UPEI Professor), Jay Jonah (UPEI Student), Sarah Smith (ARCPEI), Judy Bayliss (PEI Council of People with Disabilities) and Zane Essenhaier (Muslim Society of PEI).

In March 2014, two second-year Bachelor of Education (BEd) students began their final practicum placement at the Commission. Over the course of 6 storm-shortened weeks, Aleah Palmer and Bethany Ellis created 12 cross-curricular learning activities for use in K-3 classrooms on PEI. Piloted at Mt. Stewart School by Vice-Principal Emily Waye, Chair of the PEITF's Diversity/Equity Committee, we received the following feedback:

> *I did the lesson 'We Are All Unique'. It hit so many outcomes! I explained to the students that they are all unique because of all of their differences and similarities. They drew pictures to represent their uniqueness and then we discussed how each of us might have similarities and differences with each other. The collage that they produced in the lesson was pasted in their scrapbook for grade one as a memory for the grade! Thanks for providing the lesson; I will be using it again in September as the outcomes fit well with starting back to school and building a classroom climate. (Grade 1 teacher)*

In order to build on these early successes, *The 4Rs* priorities now consist of:

- disseminating the finalized K-3 learning resources through the DEECD's curriculum support website;
- coordinating objectives of Fall 2014 practicum placement with Grade 9 Social Studies initiatives of the DEECD; and
- collaborating with Culture PEI, UPEI Faculty of Education and English Language School Board on the human rights-themed, ArtsSmarts 2015.

In closing, thank you to the Law Foundation of PEI for your generous support and ongoing recognition that human rights education is an integral component in preparing Island students for life in our complex 21st century world.

Thank you cards prepared by students from Joanne MacNevin and Carla Rowan's English as Additional Language Class, Col Gray High School, following education session by Tom Hilton. (photo by Wendy Marie Baker)

Settlements

It is less costly, more effective and more satisfactory for all parties involved in Human Rights complaints to develop their own solutions through settlement discussion. Settlement is particularly valuable when the relationship between the parties is likely to continue. The Executive Director or Human Rights Officer may facilitate settlements during investigation or preparation for panel hearings. Settlements between Complainants and Respondents may be achieved at any time before a Human Rights Panel rules on a complaint.

The Commission is pleased to offer a mediation service. Our Mediator / Intake Officer, Lorraine Buell, is often in a position to identify complaints in which the parties appear to be open to a mediation or settlement process at an early stage. By taking the time at the intake stage to canvass this, she allows the parties to have an opportunity to try to rebuild their relationship or settle their issues before they become more entrenched in their positions. This is also an opportunity to avoid the delay of waiting for an investigation or panel hearing.

Settlements can achieve any number of results and may include making changes in policy or physical elements of a business or service, financial compensation or apologies. Consistent with the Commission's mandate of providing human rights education, settlements often include an educational component for one or both parties to the complaint.

The following summaries are examples of some of the complaints that were settled during 2013-2014. It is noted that settlements may be reached without there being a finding or acknowledgement that the matter complained of was discriminatory.

Services - Disability

A complaint was filed in the area of services to the public on the basis of disability. The individual with a disability entered a drive through on an atypical motor vehicle and was refused services. The individual used the drive through as the business was inaccessible to the person. The parties resolved the issues through mediation.

The Respondent provided the Complainant with a letter of apology, monetary compensation, and a commitment to making the business accessible.

Employment - Disability

An employee filed a complaint alleging discrimination in employment on the basis of disability and family status. She alleged that she was treated differently following an illness by a reduction in hours and that her request for accommodation regarding child care issues was denied. The parties resolved the issues through mediation.

The Respondent provided the Complainant with a letter of apology, letter of reference and monetary compensation.

Employment - Disability

An employee filed a complaint alleging discrimination in employment on the basis of disability. The individual alleged that the employer refused to acknowledge that there was a medical condition and failed to provide accommodation for the medical condition.

In a settlement reached by the parties, the Respondent compensated the Complainant for lost wages and legal fees and provided the individual alternate employment at an alternate location.

Employment - Sex/Pregnancy

A woman filed a complaint alleging discrimination in employment on the basis of sex/ pregnancy. She alleged that following the announcement of her pregnancy, her position was eliminated.

In a settlement reached by the parties, the Respondent compensated the Complainant for lost wages and general damages.

Panel Hearing and Court Decisions

Decisions of the Human Rights Panel and Court decisions are posted on the Commission web site at http://www.peihumanrights.ca

Decisions in some of the following cases were made in the 2014-15 fiscal year but prior to the publication of this 2013-2014 report. To provide the most current information, we have included the results of those decisions in this report.

PEI Music and Amusement Operators Association Inc. v. Government of Prince Edward Island (S2-GS-5686)

On April 16, 2007, the Complainants filed a complaint alleging discrimination in the area of employment on the basis of political belief. On January 23, 2009, the complaint was dismissed by the Executive Director who found the complaint to be outside the one year limitation period for filing a complaint. The Complainants requested a review by the Chairperson of the Commission who, in a subsequent decision, dated April 23, 2009, concurred with the decision of the Executive Director.

On May 25, 2009, the Complainants filed an application for Judicial Review. The Judicial Review was held on March 8, 2010. In reasons dated September 21, 2010, the Court found that the decision of the Executive Director was based on an error of law in finding that the limitation period in the *Human Rights Act* is not subject to the Discoverability Rule or in failing to determine whether the Discoverability Rule applied; therefore, the Court nullified the order of the Executive Director and returned the matter back to him for further consideration and determination as to when the one year period began to run, based on when the Complainants knew or ought to have known the material facts on which the complaint was based (*PEI Music and Ors. v. PEI Gov't and HRC, 2010 PESC 40*).

The Government of Prince Edward Island appealed the Court's decision. The appeal was heard on June 23, 2011. In its decision dated November 24, 2011, the Court of Appeal dismissed the appeal (*P.E.I. Music v. Gov't. P.E.I. & HRC, 2011 PECA 18*). The Court directed the Executive Director of the Commission to consider the matter of whether the complaint was filed within the one-year limitation period.

On October 11, 2012, the Executive Director provided the parties with his decision that the complaint had not been filed within the one year limitation period.

The Complainants requested a review of the Executive Director's decision by the Chairperson of the Commission. The Chairperson of the Commission concurred with the decision of the Executive Director and issued a written decision dated February 8, 2013.

The Complainants filed an application for Judicial Review of the Chairperson's decision on March 8, 2013. The matter was heard by the Court on November 28, 2013. The Court dismissed the matter on June 27, 2014, and ordered the Complainants to pay costs of Five Thousand Dollars ($5,000) to the Government.

The Court concluded the Executive Director was correct in using the discoverability test, and reasonable in assessing when the limitation period began to run.

Deborah J. Kelly Hawkes v. Social Assistance Appeal Board (S1-GS-25406)

Ms. Kelly Hawkes filed a complaint on September 20, 2004, alleging discrimination in the area of employment and services on the basis of association, sexual orientation, source of income and political belief. The Executive Director dismissed the complaint on November 7, 2005.

Ms. Kelly Hawkes requested that the decision be reviewed by the Chairperson of the Commission who, in a decision rendered on February 16, 2006, concurred with the decision of the Executive Director. Ms. Kelly Hawkes then filed an application for Judicial Review on 9 March 2006.

In an oral decision given on February 7, 2007, Justice Gordon L. Campbell awarded $200 in costs to Ms. Kelly Hawkes, and referred the matter back to the Commission for a review in compliance with section 22(3) of the *Human Rights Act*.

The Executive Director Delegate dismissed the complaint on October 30, 2008. Ms. Kelly Hawkes requested a review of the decision. Upon review, the Chairperson concurred with the decision of the Executive Director Delegate, issuing a written decision on February 11, 2009.

On March 9, 2009, Ms. Kelly Hawkes filed an application for Judicial Review and the hearing was held on January 13, 2010. The Court dismissed Ms. Kelly Hawkes's application on January 23, 2011 with no award of costs. (*Kelly Hawkes v. Social Assistance Board et al.*, 2010 PESC 34).

On February 16, 2011 Ms. Kelly Hawkes appealed the Court's decision to dismiss her application for Judicial Review. The appeal was heard on September 26, 2011. On October 26, 2011, the Chief Justice gave his decision orally, and in an Order dated December 8, 2011, ordered that the Respondent, Department of Social Services and Seniors, pay costs to Ms. Kelly Hawkes in the amount of Five Hundred Dollars ($500). The Court of Appeal further ordered that the matter be referred back to the Commission for further investigation.

The Executive Director Delegate further investigated the matter and, in a written decision dated September 11, 2012, dismissed Ms. Kelly Hawkes's complaint as she found it to be without merit. Ms. Kelly Hawkes asked for a review of the Executive Director Delegate's decision by the Chairperson of the Commission. On January 25, 2013, the Chairperson Delegate issued a written decision in which he concurred with the decision of the Executive Director Delegate to dismiss Ms. Kelly Hawkes's complaint.

Ms. Kelly Hawkes filed for Judicial Review on February 25, 2013. The Judicial Review was heard on September 30, 2013, and a decision dismissing the matter was rendered on March 27, 2014.

Ms. Kelly Hawkes was declared a vexatious litigant by Justice Benjamin B. Taylor in August 2013. Because of the Order of Justice Taylor, Ms. Kelly Hawkes was required to make an application under s.65 of the *Judicature Act* for permission from the Court to appeal the Supreme Court's decision. Justice Nancy L. Key dismissed Ms. Kelly Hawkes's application on June 17, 2014, and awarded costs in the amount of Three Thousand Dollars ($3,000) to the Respondent. Ms. Kelly Hawkes has applied for leave to appeal to the Supreme Court of Canada.

Linda Toole v. East Prince Health (S1-GS-23241)

On October 4, 2006, Ms. Toole filed a complaint alleging discrimination in the area of employment on the basis of sex/gender. On February 4, 2009, the complaint was dismissed by the Executive Director who found there was insufficient evidence of discrimination to warrant sending the matter to a panel hearing. Ms. Toole requested a review by the Chairperson of the Commission who, in a subsequent decision, dated May 25, 2009, concurred with the decision of the Executive Director.

On June 8, 2009, Ms. Toole filed an application for Judicial Review. The matter has not yet been scheduled by the Court.

Gordon Cairns v Eastern School Board (S1-GS-24710)

On March 7, 2007, Gordon Cairns filed a complaint alleging discrimination in employment on the basis of disability. The Executive Director dismissed the complaint on August 25, 2011, as he found it to be without merit.

On August 30, 2011, Mr. Cairns requested a review by the Chairperson of the Commission. By decision dated February 10, 2012, the Chairperson Delegate concurred with the decision of the Executive Director.

On March 13, 2012, Mr. Cairns filed an application for Judicial Review. The Judicial Review hearing has not yet been scheduled by the Court.

David Dodds v. Legal Aid (S1-GS-23407)

On March 4, 2008, David Dodds filed a complaint alleging discrimination in the area of services and facilities available to the public on the basis of colour, race, ethnic or national origin, creed or religion, disability, sex or gender, and source of income. On June 11, 2009, the complaint was dismissed by the Executive Director who found the complaint to be outside the one year limitation period for filing a complaint. Mr. Dodds on June 23, 2009, requested a review by the Chairperson of the Commission. The Chairperson Delegate on August 11, 2009, concurred with the Executive Director's decision to dismiss the complaint.

On September 23, 2009, Mr. Dodds filed an application for Judicial Review. The Judicial Review was heard on May 21, 2014, and was dismissed by the Court in an oral decision.

Howard MacMaster v. Worker's Compensation Board of Prince Edward Island (S1-GS-24741)

On February 16, 2011, Howard MacMaster filed a complaint alleging discrimination in employment on the basis of source of income. On January 20, 2012, the Executive Director dismissed the complaint because he found it to be without merit.

On January 27, 2012, Mr. MacMaster requested a review by the Chairperson of the Commission, who concurred with the decision of the Executive Director in a decision dated March 1, 2012. On March 29, 2012, Mr. MacMaster filed an application for Judicial Review. The hearing has not yet been scheduled.

Barbara Jean (Jeannie) MacDonald v. Government of Prince Edward Island (Transportation and Infrastructure Renewal) (S1-GS-24890)

On February 9, 2010, Barbara Jean (Jeannie) MacDonald filed a complaint alleging discrimination in the area of employment on the grounds of disability and age. The Executive Director dismissed the complaint on October 14, 2011, as he found it to be without merit.

Ms. MacDonald requested a review of the Executive Director's decision by the Chairperson of the Commission. On April 17, 2012, the Chairperson of the Commission issued a decision that concurred with the Executive Director's decision to dismiss the complaint.

Ms. MacDonald filed an application for Judicial Review of the Chairperson's decision on June 15, 2012. The Judicial Review has not yet been scheduled by the Court.

David Ramsay v. City of Charlottetown (S1-GS-24958)

David Ramsay filed a complaint on February 16, 2011, alleging discrimination in the area of employment on the basis of disability and political belief. He amended his complaint adding the ground of disability on March 7, 2011. In a decision dated March 13, 2012, the Executive Director dismissed the complaint.

Mr. Ramsay requested a review by the Chairperson of the Commission. On June 27, 2012, the Chairperson issued a decision that concurred with the Executive Director's decision to dismiss the complaint.

Mr. Ramsay filed an application for Judicial Review on July 27, 2012. In his application for Judicial Review, he did not name the City of Charlottetown as a party. The City of Charlottetown is a proper party to this proceeding, and agreed to be added as a party by consent. On July 26, 2013, Mr. Justice Wayne D. Cheverie granted the Commission's Motion to add the City as a party to the proceeding.

The Judicial Review was heard on July 28, 2014. No decision has yet been given. The hearing of this matter was delayed because the City did not initially retain counsel and the Rules of Civil Procedure say a corporation must have counsel in a proceeding before the Court (Rule 15.01(b)).

Noël Ayangma v. Canada Health Infoway (S1-GS-24999)

Mr. Ayangma filed a complaint alleging discrimination in the area of employment on the basis of colour, race, ethnic and national origin. He alleged that the Respondent, Canada Health Infoway, did not hire him for a position for which he was qualified because he is Black and of African origin.

A Panel hearing was held on April 2, 3, and 4, 2012. The Panel issued a written decision on July 28, 2012, dismissing Mr. Ayangma's complaint and finding that the Respondent had not acted in a discriminatory manner toward him.

Mr. Ayangma sought Judicial Review of the Panel's decision and filed an application with the Supreme Court of Prince Edward Island on August 28, 2012. The Judicial Review was heard on February 20, 2013. The Court issued its decision on April 26, 2013, dismissing the application for Judicial Review.

Mr. Ayangma appealed the decision of the Supreme Court on May 29, 2013. The Court of Appeal heard the matter on February 21, 2014. The Court dismissed the matter on July 23, 2014. There was no award of costs in this matter.

David MacDonald v. Workers Compensation Board (S1-GS-25059)

On February 24, 2012, David MacDonald filed a complaint alleging discrimination in the area of employment on the basis of disability. The Executive Director dismissed the complaint on June 7, 2012, as he found it to be without merit.

Mr. MacDonald requested that the Chairperson of the Commission review the Executive Director's decision. The Chairperson concurred with the Executive Director's decision to dismiss the complaint, and notified the parties in a written decision dated August 28, 2012.

Mr. MacDonald filed an application for Judicial Review on September 26, 2012. The Judicial Review was heard on September 9, 2013. Justice Wayne D. Cheverie issued his decision on March 30, 2014, dismissing the matter on the basis that the Chair's decision was a reasonable one. No costs were ordered.

Noël Ayangma v. Public Service Alliance of Canada (S1-GS-25354)

Mr. Ayangma filed a complaint on June 15, 2006, alleging discrimination in the area of employment on the basis of colour, race, ethnic and national origin. He alleged that the Respondent refused to hire him for a number of positions for which he was qualified based on the fact that he is Black and of African origin. He alleged both direct and systemic discrimination.

A question arose as to whether the Commission had jurisdiction to deal with Mr. Ayangma's complaint. The complaint was held in abeyance by the Commission pending the resolution of a sirnilar question of jurisdiction in a similar case before the Supreme Court of Prince Edward Island. These questions were resolved in the decision of Mr. Justice Benjamin B. Taylor, in *Ayangma v. Infoway*, in which Mr. Justice Taylor determined that Mr. Ayangma's complaint was substantially connected to Prince Edward Island and that the Commission in fact had jurisdiction to handle the matter.

On July 6, 2012, the Executive Director of the Commission dismissed the complaint.

On July 24, 2012, Mr. Ayangma requested a review by the Chairperson of the Commission. The Chairperson of the Commission concurred with the Executive Director's decision to dismiss, and issued a written decision on January 16, 2013.

Mr. Ayangma filed an application for Judicial Review on January 25, 2013. The matter was heard by the Supreme Court on November 15, 2013. Justice Gordon L. Campbell rendered his decision on November 18, 2013, dismissing the application for Judicial Review and ordering Mr. Ayangma to pay costs of Eight Thousand Five Hundred Dollars ($8,500) plus disbursements of Two Thousand Two Hundred and Thirty Five Dollars ($2,235) to Public Service Alliance of Canada for the travel costs of their out of province lawyer .

In February 2014, Mr. Ayangma filed an Appeal which was heard on June 19, 2014. The Court of Appeal dismissed the matter on July 23, 2014. The Court of Appeal confirmed the general costs ordered by the Supreme Court ($8,500) but set aside the order for travel disbursements ($2,235). The Court of Appeal ordered Mr. Ayangma to pay an additional Seven Thousand Seven Hundred Fifty Dollars ($7,750) in costs to the Public Service Alliance.

When a matter is heard in the Supreme Court, the unsuccessful party is often ordered to give money to the successful party to help pay for some of their legal fees. This is called

an order for costs. The amount of costs usually takes into account the experience of the lawyer and the complexity of the matter before the court. Usually, costs are not awarded to the Commission. In most cases, costs are only intended to cover a portion of the actual expenses of the successful party.

In this case, the Court of Appeal provided some guidance to litigants in relation to costs. At the trial level the Court ordered Mr. Ayangma to pay costs to the Public Service Alliance including expenses for their Ontario lawyer to attend court in Charlottetown. The Court of Appeal overturned that portion of the ruling, indicating that it is up to the party who hires the lawyer to get them to court.

In relation to the costs of the appeal, the Court made an Order for an amount that was somewhat higher than it usually would order. Although lawyers in a court case have a duty to raise every ethically valid argument, and may therefore have to ask difficult, embarrassing questions, they must also ensure that there is some evidence on which to base their questions or statements. In this case, the Court found that Mr. Ayangma made "baseless and bald allegations of criminal wrong doing" and had "nothing to support this very serious allegation." In order to "express the court's disapproval of such tactics" the Court ordered Mr. Ayangma to pay costs in an amount higher than usual. The Court did not order costs as high as they would have if the allegation had formed a larger part of Mr. Ayangma's case.

Stephen Pate v. PEI Legislative Press Gallery et al (S1-GS-25540)

Mr. Stephen Pate filed a complaint on October 19, 2010, alleging that the Respondent discriminated against him in employment and memberships on the basis of association, disability and source of income. The Executive Director dismissed the complaint on November 2, 2012. On December 1, 2012, Mr. Pate requested a review of the decision by the Chair of the Commission.

The Chair, in her decision of April 5, 2012, decided that the complaint should not have been dismissed and forwarded the matter to a Human Rights Panel. On April 29, 2013, the Respondent filed an application for Judicial Review of the Chair's decision. Prior to the Judicial Review being scheduled, Mr. Pate filed on January 6, 2014, a Motion to Strike the Respondent's application for Judicial Review. Mr. Pate's motion commenced on May 29, 2014, but was not completed. Further submissions are scheduled to be heard by the Court on November 3, 2014.

The Panel is holding the Panel Hearing in abeyance pending the outcome of the Judicial Review and the Motion to Strike.

Noël Ayangma v. Commission Scolaire de Langue Française (S1-GS-25721)

Mr. Ayangma filed a complaint on February 11, 2013, alleging discrimination in employment on the basis of race and having filed a complaint. The Executive Director dismissed the complaint on March 25, 2013. Mr. Ayangma requested a review by the Chair of the Commission on April 4, 2013. In her decision of July 11, 2013, the Chair concurred with the decision of the Executive Director to dismiss the complaint.

On July 29, 2013, Mr. Ayangma filed an application for Judicial Review. The Judicial Review was heard on January 16, 2014, and was dismissed by the Court on June 23, 2014. Mr. Ayangma was ordered to pay Fourteen Thousand Five Hundred Dollars ($14,500) in costs to La Commission Scolaire de Langue Française. He has filed an appeal with the Court of Appeal. The hearing date has been set for October 21, 2014.

Elsie Clow v. PEI Liquor Control Commission (S2-GS-5760)

Ms. Elsie Clow filed a human rights complaint on June 6, 2012, alleging discrimination in employment on the basis of disability. The complaint was dismissed on August 1, 2013. Ms. Clow requested a review of the Executive Director Delegate's decision on August 16, 2013.

In her decision of October 18, 2013, the Chair concurred with the decision of the Executive Director Delegate to dismiss the matter. Ms. Clow filed an application for Judicial Review. Ms. Clow withdrew her application on May 26, 2014.

Decisions made in this fiscal year but reported in last year's Annual Report

The following matters were finalized in the 2013-2014 fiscal year but were reported on in the 2012-2013 report as they were completed prior to the printing of that report. You may obtain information on these matters by referring to the 2012-2013 Report or by visiting our website at www.peihumanrights.ca

Nilsson v. University of Prince Edward Island (2013 PEI HRC)
David Dodds v. Peter C. Ghiz Law Corporation (S1-GS-24848)

Human Rights Commissioners (2013-2014)

Human Rights Commissioners are appointed by the Legislative Assembly on the recommendation of the Standing Committee on Health, Social Development and Seniors. The Commissioners come from a variety of personal and professional backgrounds and bring their own experience and expertise to decision-making. They also provide leadership in setting the direction and promoting the work of the Commission.

Commission Chair - Anne Nicholson

Anne Nicholson of St. Andrews Point, Lower Montague, was born in Montreal, Quebec, and moved to PEI in 1975.

Commissioner Nicholson was appointed to the Commission on May 19, 2004, and reappointed on April 3, 2007. She assumed the role of Acting Chairperson in May 2009, and was appointed Chair in April 2010. In 2013 she was reappointed Chairperson.

As a consultant, she has worked with community groups and governments on issues including equality, health, culture, relationship violence prevention, elder abuse prevention and social justice.

A graduate of UPEI, Anne chaired the PEI Advisory Council on the Status of Women, was Director of the PEI Rape/Sexual Assault Centre, Project Officer with Community Legal Information Association and served on the Premier's Action Committee for Family Violence Prevention, the Community Foundation of PEI and Family Violence Prevention Services Inc.

She is married to David Bergmark and they have three grown children, Dylan, Lukas and Chloe.

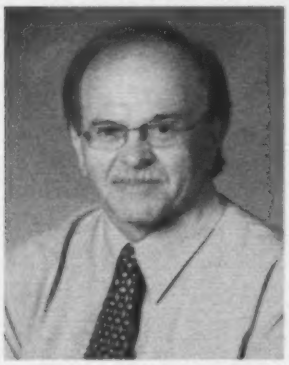
John G. Rogers, Commissioner

John Rogers of the Brae, Prince Edward Island, was appointed to the Commission in 2008 and reappointed in 2011. Mr. Rogers holds a B.A. and B.Ed. from the University of Prince Edward Island and a M.Ed. from the University of Ottawa. He retired from the public school system in 2005 after serving as a teacher, vice-principal, and principal. Since retiring from the public school system, Mr. Rogers has been employed as a sessional lecturer with the Faculty of Education at UPEI. He also devotes time to the family farm in the Brae. Mr. Rogers has served with numerous organizations both at the local and provincial levels. He is currently a director of the Canadian Potato Museum in O'Leary and sits as vice-chair of the Leard's Pond Environment Project. Mr. Rogers is strongly committed to the fundamental principle that "all persons are equal in dignity and human rights" (Preamble, PEI *Human Rights Act)*. He works towards the fair and equal treatment of all persons in our society.

George A. Lyle, Commissioner

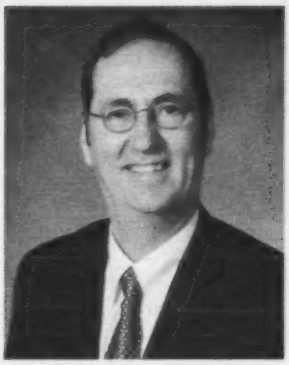
George Lyle of Summerside was appointed Commissioner on April 16, 2009, and reappointed on April 17, 2012, for a second term. Mr. Lyle, now retired, practiced law as a general practitioner from 1978 to 2014, in the Province of Prince Edward Island. Prior to that he held various positions with the Guaranty Trust Company of Canada. He is a graduate of the University of Ottawa Law School and a certificate program in Trust Business from Queens University. During his private practice of law in the Province of Prince Edward Island he held the position of Chairperson of the PEI Labour Relations Board and was President of the Law Society of Prince Edward Island and the PEI branch of the Canadian Bar Association. Mr. Lyle has served on various boards and has a strong community involvement in the City of Summerside.

Alcide J. Bernard, Commissioner



Alcide Bernard of Wellington was appointed Commissioner in April 2011. Mr. Bernard holds a B.A. and M.B.A. from University of Moncton. He retired from Old Dutch Foods Inc in March 2011 after having served in various management positions throughout his 25 years in the potato chipping industry. Mr. Bernard is presently employed with the Atlantic Commission on Acadian Tourism as Tourism Development Officer for PEI. He has served as Chairman of the Incorporated Community of Wellington as well as having been involved in many other volunteer organizations in the Acadian community of Prince Edward Island.

Maurice H. J. Rio, Commissioner



Maurice Rio was appointed Commissioner on April 17, 2012. This is Mr. Rio's second appointment having served on the Commission from 2006 to 2009. He returned to the Island after 22 years of public service with the Federal Department of the Solicitor General involved in national issues. He has studied at Dalhousie University, Memorial University and the University of Regina. Mr. Rio currently resides in the City of Summerside. He is a proponent of "natural justice" and is pleased to return to the Commission to continue his work for human rights.

Robert A. Acorn, Commissioner

Robert (Bob) Acorn, born and raised in Souris, P.E.I., was appointed Commissioner on April 17, 2012. He holds a degree in Political Science from Dalhousie University and a degree in Public Administration from the University of Prince Edward Island. He has worked with P.E.I. Housing Corporation, the University of Alberta, the Alberta Government, and most recently he was a management consultant with George May International in Edmonton. Mr. Acorn presently resides in Charlottetown with his wife Thelma (Walsh) Acorn. He has two children, Kim and Rick.

Human Rights Commission Staff

Brenda J. Picard Q.C., Executive Director

Brenda Picard was raised primarily in Kensington and now resides in Mount Stewart, P.E.I. with her partner Rick and her son, Micah. She attended Dalhousie University where she received her Bachelor of Arts degree in 1982 and her Bachelor of Laws degree in 1985. After practicing in N.S., Brenda returned to P.E.I. as Co-ordinator of Transition and Support Services in Summerside. She later practiced law with the firm Craig and Picard and then with P.E.I. Legal Aid. She has volunteered with many provincial and national organizations relating to family violence prevention, restorative justice and conflict resolution as well as with her church community. She received the inaugural Community Service Award from the P.E.I. Law Society in 2007 and later that year Brenda was appointed Queens Counsel. She commenced her position as Executive Director in August 2013.

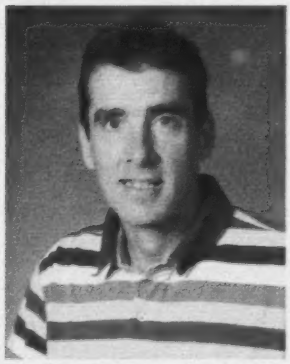
Wendy Marie Baker, Human Rights Officer

Wendy Marie Baker was born in Halifax and grew up in the village of Spanish Ship Bay, Nova Scotia. She has lived and worked in several places across Canada, but has been proud to call Charlottetown her home since 2008. Wendy joined the Commission as Human Rights Officer in September 2010. She is a person with a disability. She has been a lifelong advocate for equity and equality, and supports the concept of promoting equality through education. Wendy received her Bachelor of Arts degree from Saint Mary's University in 1997 and a Diploma in Media Studies (Broadcasting) from the Atlantic Media Institute in 1999. She worked with the Canadian National Institute for the Blind for several years before returning to university. She received her law degree from the University of Victoria in 2006. Wendy has held legal positions in both the public and private sector, and is a member of both the Law Society of Newfoundland and Labrador and the Law Society of Prince Edward Island.

B. Lorraine Buell, Mediator / Intake Officer

Lorraine Buell is the Commission's Mediator and Intake Officer. She has been a member of the Commission's team since 1998. Lorraine is an Islander and a resident of Stratford, PEI. She is a member of the Canadian Payroll Association and the Council of Canadian Administrative Tribunals. She is a Commissioner of Oaths and Panel Clerk at Human Rights hearings. Lorraine received her Business Administration at Career Skills, Executive Office Administration at Holland College and Conflict Resolution Studies at University of Prince Edward Island. She has three children (Scott, Nick and Amanda) and two granddaughters (Maxine and Emilyn).

Thomas V. Hilton, Education Project Officer



A native of Charlottetown, Thomas Hilton holds a BA from Bowdoin College (Brunswick, ME) and Master of Education from UPEI. In May 2014, Tom received the Governor General's Gold Medal Award for his graduate research 'Schooling and the Practices of Freedom of Out Queer Youth on PEI'. Tom has worked with the Commission on public education outreach projects since 2011. In December 2013, Tom began working as Education Project Officer on Made in PEI: Rights, Responsibilities, Relationships & Resources (*The 4Rs*). Tom appreciates the opportunity afforded by the Law Foundation to further our respective organization's mandates of promoting opportunities for students and teachers to practice critical, creative and collaborative engagement with human rights legal principles.

Thank you cards prepared by students from Joanne MacNevin and Carla Rowan's English as Additional Language Class, Col Gray High School, following education session by Tom Hilton. (photo by Wendy Marie Baker)

Audited Financial Statements

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION

Financial Statements
March 31, 2014

Management's Report

Management's Responsibility for the Financial Statements

The financial statements have been prepared by management in accordance with Canadian public sector accounting standards and the integrity and objectivity of these statements are management's responsibility. Management is responsible for the notes to the financial statements and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.

Management is responsible for implementing and maintaining a system of internal control to provide reasonable assurance that reliable financial information is produced.

The Board of Commissioners is responsible for ensuring that management fulfills its responsibilities for financial reporting and internal control. The Board reviews internal financial reports on a regular basis and externally audited financial statements annually.

The Auditor General conducts an independent examination, in accordance with Canadian generally accepted auditing standards and expresses her opinion on the financial statements. The Auditor General has full and free access to financial information and management of the Prince Edward Island Human Rights Commission to meet as required.

On behalf of the Prince Edward Island Human Rights Commission

Anne Nicholson
Board Chair

Brenda J. Picard, QC
Executive Director

May 28, 2014

Prince Edward Island
Office of the
Auditor General
PO Box 2000, Charlottetown PE
Canada C1A 7N8

Île-du-Prince-Édouard
Bureau du
vérificateur général
C.P. 2000, Charlottetown PE
Canada C1A 7N8

INDEPENDENT AUDITOR'S REPORT

To the Commissioners of the
Prince Edward Island Human Rights Commission

I have audited the financial statements of the **Prince Edward Island Human Rights Commission,** which comprise the statement of financial position as at March 31, 2014, and the statements of operations and accumulated surplus, changes in net debt, and cash flow for the year then ended and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted the audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall financial statement presentation.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2014, and the results of its operations, changes in net debt, and cash flow for the year then ended in accordance with Canadian public sector accounting standards.

B. Jane MacAdam

B. Jane MacAdam, CA
Auditor General

Charlottetown, Prince Edward Island
May 28, 2014

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
Statement of Financial Position
March 31, 2014

	2014	2013
	$	$
Financial Assets		
Cash	46,280	9,897
Accounts receivable	2,008	430
	48,288	10,327
Liabilities		
Accounts payable and accrued liabilities (Note 3)	52,397	29,846
Net Debt	(4,109)	(19,519)
Non Financial Assets		
Prepaid expenses	5,745	3,666
Accumulated Surplus (Deficit)	1,636	(15,853)

(The accompanying notes are an integral part of these financial statements.)

Approved on behalf of the Human Rights Commission

Board Chair

Commissioner

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
Statement of Operations and Accumulated Surplus
for the year ended March 31, 2014

	Budget 2014	2014	2013
	$	$	$
Revenues			
Grants - Province of Prince Edward Island	388,500	403,693	398,500
Other grants	10,450	26,550	16,250
	398,950	430,243	414,750
Expenses			
Commissioner per diems (Note 6)	43,000	30,945	32,191
Conferences and training	7,500	9,054	4,060
Equipment	3,000	6,310	1,058
Hearing expenses	2,000	-	5,798
Memberships	2,500	2,103	2,915
Miscellaneous	3,800	1,967	2,325
Office and special projects	10,200	13,916	12,256
Photocopying	5,000	3,847	4,026
Professional fees	1,500	400	375
Project - Made in PEI (Note 7)	-	17,301	-
Rent	21,500	21,500	21,500
Salaries and benefits (Note 8)	277,950	287,768	294,758
Travel - staff	5,000	3,250	4,858
- commissioners	12,000	11,399	11,040
Telephone	4,000	2,994	3,306
	398,950	412,754	400,466
Annual Surplus	-	17,489	14,284
Accumulated Surplus (Deficit), beginning of year		(15,853)	(30,137)
Accumulated Surplus (Deficit), end of year		1,636	(15,853)

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION

Statement of Changes in Net Debt
for the year ended March 31, 2014

	Budget 2014	2014	2013
	$	$	$
Net Debt, beginning of year	(19,519)	(19,519)	(32,058)
Changes in year:			
Annual surplus	-	17,489	14,284
Prepaid expenses	-	(2,079)	(1,745)
Change in Net Debt	-	15,410	12,539
Net Debt, end of year	(19,519)	(4,109)	(19,519)

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
Statement of Cash Flow
for the year ended March 31, 2014

	2014	2013
	$	$
Cash provided (used) by:		
Operating Activities		
Annual surplus	17,489	14,284
Changes in:		
Accounts receivable	(1,578)	(220)
Accounts payable and accrued liabilities	22,551	(10,662)
Prepaid expenses	(2,079)	(1,745)
Cash provided by operating activities	36,383	1,657
Cash, beginning of year	9,897	8,240
Cash, end of year	46,280	9,897

(The accompanying notes are an integral part of these financial statements.)

PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION

Notes to Financial Statements
March 31, 2014

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1. Purpose of the Organization

The Prince Edward Island Human Rights Commission (the Commission) is a corporate body established under section 16 (1) of the *Human Rights Act* of Prince Edward Island. The Commission is responsible for administering and enforcing the *Human Rights Act* and providing education and public information in the field of human rights. The Commission also inquires into and endeavours to effect a settlement of any complaint of a violation of the *Human Rights Act* filed with the Commission as prescribed by the Act.

The Commission is a non-taxable entity under the provisions of the federal *Income Tax Act*.

2. Summary of Significant Accounting Policies

Basis of Accounting

These financial statements are prepared in accordance with Canadian public sector accounting standards.

The following accounting policies are considered significant.

a) Cash

Cash consists of balances on deposit with a financial institution.

b) Accounts Payable and Accrued Liabilities

Accounts payable and accrued liabilities are recorded for all amounts due for work performed and goods or services received during the year.

c) Revenues

Revenues from other grants are recognized in the period in which the transaction or event that gave rise to the revenue occurred. Revenues are recorded on an accrual basis, except when the accruals cannot be determined with a reasonable degree of certainty or when their estimation is impracticable.

Transfers from the Province of Prince Edward Island (revenues from non-exchange transactions) are recognized as revenue when the transfer is authorized, any eligibility criteria are met, and a reasonable estimate of the amount can be made.

d) Expenses

Expenses are recorded on an accrual basis in the period in which the transaction or event that gave rise to the expense occurred.

2. Summary of Significant Accounting Policies (continued...)

e) Financial Instruments

Financial instruments consist of accounts receivable, accounts payable, and accrued liabilities. They are carried at cost or amortized cost, less any provisions on accounts receivable. Since the Commission has no unrealized remeasurement gains or losses attributed to foreign exchange, derivatives, portfolio investments, or other financial instruments, a statement of remeasurement gains and losses is not prepared.

f) Use of Estimates and Measurement Uncertainty

The preparation of financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of the revenues and expenses during the period. Items requiring the use of significant estimates include accrued liabilities, sick leave, and retirement allowances.

Estimates are based on the best information available at the time of preparation of the financial statements and are reviewed annually to reflect new information as it becomes available. Measurement uncertainty exists in these financial statements. Actual results could differ from these estimates and the difference could be material.

3. Accounts Payable and Accrued Liabilities

	2014 $	2013 $
Accounts payable	2,209	12,617
Accounts payable – Province of Prince Edward Island	37,374	-
Accrued salaries and benefits	4,718	5,855
Accrued vacation pay	8,096	11,374
	52,397	29,846

4. Related Party Transactions

The Commission had the following transactions with the Province of Prince Edward Island:

	2014 $	2013 $
Grants from the Province	403,693	398,500

Included in salaries and benefits is salary expense of $69,545 (2013 - Nil) and benefit expenses of $5,706 (2013 - Nil) for an employee on secondment from the Province.

5. Contractual Obligations

The Commission has entered into a number of multi-year contracts which will become liabilities in the future when the terms of the contracts are met. Disclosure relates to the unperformed portion of the contracts.

	2015 $	2016 $	2017 $
Future operating lease payments	23,791	23,791	7,094

6. Commissioner Per Diems

Commissioner per diems include panels of inquiry, meetings, educational presentations, training and seminars, and other Commission business.

7. Project - Made in PEI

The Commission has entered into a grant agreement with the Law Foundation of Prince Edward Island to fund the project entitled "Made in PEI: Rights, Responsibilities, Relationships, and Resources". The project will run from December 1, 2013 to November 30, 2014. Funds may be expended in accordance with the terms of the Agreement. Total revenue received for the project during the year and included with other grants was $14,000.

8. Employee Benefits

a) Sick Leave

All employees are credited 1.5 days per month for use as paid absences in the year, due to illness or injury. Under existing employment agreements, employees are allowed to accumulate unused sick day credits each year up to the allowable maximum. Accumulated credits may be used in future years to the extent that the employee's illness or injury exceeds the current year's allocation. The use of accumulated sick days for sick leave compensation ceases on termination of employment and there is no obligation to settle these amounts with cash payments. A liability has not been calculated and no accrual has been recorded in these financial statements based on an analysis which indicated the liability was not significant.

8. Employee Benefits (continued...)

b) Pension Benefits

Employees of the Commission participate in a defined contribution pension plan. The Commission makes contributions amounting to 8.09 percent on that part of the salary on which Canada Pension Plan contributions are made and 9.75 percent on salary when Canada Pension Plan contributions are not required. The employee is not required to match or contribute to the plan. These contributions are paid to a Registered Retirement Savings Plan (RRSP) or Registered Disability Savings Plan (RDSP) as selected by the employee.

During the year, the Commission incurred $12,750 (2013 - $18,572) in expenses for contributions to these plans.

c) Retirement Allowance

The Commission provides a retirement allowance to its permanent employees. The amount paid to eligible employees at retirement is equal to one week's pay for every year of service to a maximum of 30 weeks.

9. Financial Management

The Commission's risk exposure, as a result of the financial instruments on its statement of financial position at March 31, 2014, is limited to liquidity risk. The Commission's financial instruments are not subject to significant market or credit risk.

Liquidity Risk

Liquidity risk is the risk that the Commission will not be able to meet all its cash outflow obligations as they come due. This risk is mitigated by monitoring the level of financial assets in relation to amounts due and implementing fiscal restraint when necessary.

10. Budgeted Figures

Budgeted figures have been provided for comparative purposes and were derived from estimates approved by the Commission.

Prince Edward Island Human Rights Commission

The Prince Edward Island Human Rights Commission is an independent body that investigates, attempts to settle and makes rulings on complaints of discrimination that fall under the Prince Edward Island ***Human Rights Act***

For more information, please contact us

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www.peihumanrights.ca

"It is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights without regard to age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation or source of income." (preamble to the PEI Human Rights Act)